

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Arbitration - SUITS – Settlement of Arbitration Award dated 20-03-1994 in respect of the Work relating to construction of aqueduct across Kethamanneru vagu at KM 12.906 (M. 8/0 + 110) of North feeder channel of Somasila Project, Nellore District awarded to Sri Vangallu Venku Reddy, S/o Malla Reddy, Vide Agreement No40/SE/84-85, dated 26-10-1984 – Sanction of an amount of Rs.10,00,000/- as full and final settlement - Orders – Issued.

IRRIGATION & C.A.D. (ARB.) DEPARTMENT.

G.O.(Ms.) No. 234

Dated the 22nd August, 2009.

Read the following:-

1. From Smt. V.Krishnavenamma, W/o.Late Sri V.Venku Reddy, Nellore, reprn.dated nil.
2. From the ENC, Telugu Ganga Project, Srikalahasti, Lr.No.ENC/TGP/SKHT/TS/T1/455/87, dated 05-09-2008.
3. Govt.Memo.No.17161/ARB/08, I & CAD Dept., dated 29-10-2008.
4. From the ENC, Medium Irrgn., I & CAD Dept., Hyderabad, Lr.No.ENC/Med/DCEIII/OT1/ARB-12/2008, dt. 31-01-2009
5. From the ENC, Medium Irrgn., I & CAD Dept., Hyd., Lr. No.ENC/Med/DCEIII/OT1/ARB-12/2008, dt.13-03-2009.

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ORDER:

Smt.V.Krishnavenamma, W/o.Late Sri V.Venku Reddy, Nellore in her representation first read above, has stated that her husband was awarded the work Construction of Aqueduct across Kethamanneru Vagu at K.M.12.906 of North feeder channel of Somasila Project in Nellore District vide No.40 SE/84-85, dated 26-10-1984 of S.E., Somasila Project Circle, Nellore. Certain disputes have arisen in the course of execution of contract. Hence, based on an application in the Sub-ordinate Court, Nellore, Sole Arbitrator was appointed. After hearing both sides, the Sole Arbitrator passed an award on 20-03-1994. She has also stated that in compliance with the common directions of the Hon'ble High Court of A.P. in CRP.No.500/97 and CMA No.2143/99 dated 12-07-2007, she has requested to negotiate and settle the matter as directed by the Hon'ble High Court.

2. In compliance of the common directions of the Hon'ble High Court of A.P. dated 12-07-2007 and based on the representation submitted by Smt.V.Krishnavenamma, W/o.Late Sri V.Venku Reddy, Nellore, and after obtaining the reports from the ENC, Telugu Ganga Project, Srikalahasti, in Govt.Memo. third read above, the matter has been referred to the conciliation Committee for Rayalaseema Region for negotiation with the petitioner.

3. The Engineer-in-Chief, Medium Irrigation, I & CAD Dept., Hyderabad, in his letter fourth read above, has furnished the report of the Conciliation Committee for Rayalaseema Region dated 29-12-2008, wherein the Committee after negotiation with the authorized representative of the legal heir of the contractor, has recommended for an amount of Rs.10,77,614/- as final settlement of the case.

4. In compliance with the common directions in CRP No.500/97 and CMA No.2143/99, of the Hon'ble High Court of A.P., dated 12-07-2007, the Principal Secretary to Govt., I & CAD Department has conducted final conciliation with the authorized representative of the petitioner (i.e., Sri Pankaj Reddy) on 12-03-2009 and finally settled for an amount of Rs.10.00 lakhs only as full and final settlement of the case.

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5. The Engineer-in-Chief, Medium Irrigation, I & CAD Dept., Hyderabad, in his letter fifth read above, has obtained and furnished the joint affidavit of the legal heir of the contractor and the authorized representative of the legal heir, wherein, while agreeing the finally conciliated amount arrived at during the final conciliation with the Principal Secretary to Government, I & CAD (ARB) Department held on 12-03-2009, they have declared that they will withdraw all their legal proceedings in High Court of Andhra Pradesh or in any other courts, if the above amount including interest amounting to Rs.10.00 lakhs is paid to her in token of settlement of the arbitration cases pending in courts in these cases.

6. After careful examination of the matter, Government hereby sanction an amount of Rs.10,00,000/- (Rupees ten lakhs only) as full and final settlement of the Arbitration Award dated 20-03-1994, in respect of the work Construction of Aqueduct across Kethamanneru Vagu at K.M.12.096 (M. 8/0 + 110) of North feeder channel of Somasila Project in Nellore District, awarded to (Late) Sri V.Venku Reddy, S/o.Malla Reddy vide L.S.Agreement No.40 SE/84-85, dated 26-10-1984 of S.E., Somasila Project Circle, Nellore.

7. The amount sanctioned in para (6) above, shall be debited to the following Head of Account: "4701 - 01 - 112 - 11 - SH 27 - 530/531 Other expenditure".

8. The Engineer-in-Chief, Telugu Ganga Project, Srikalahasti, is directed to arrange to pay the amount sanctioned at para (6) above to Smt. Vangallu Krishnavenamma, W/o.Late Vangallu Venku Reddy, Contractor, duly deducting the amounts that are recoverable on whatsoever account.

9. This order issues with the concurrence of Finance (W&P) Dept. vide their U.O.No.2982/F7(A2)/09, dated 04-08-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Engineer-in-Chief, Telugu Ganga Project, Srikalahasti.
The Pay & Accounts Officer, Hyderabad.
The Director of Works Accounts, A.P., Hyderabad.
The Joint Director, Works Accounts, Ongole, Prakasam District.
The Asst. Pay and Accounts Officer, Somasila Project, Nellore.
Smt. V.Krishnavenamma, W/o.Late Sri V.Venku Reddy,
C/o.D.Pankaj Reddy, 16/II, 383, Near Vijayamahala, Nellore - 524 001.

Copy to:

The Chief Engineer, Somasila Project, Nellore.
The I & CAD (P&B) Department.
The Finance (W&P) Department. (with a request
to release LOC for the sanctioned amount).
The Accountant-General, Andhra Pradesh, Hyderabad.
The Learned Advocate-General, High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.
The Govt.Pleader for Irrgn., High Court of Andhra Pradesh,
High Court Buildings, Hyderabad.
S.F. S.Cs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.